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7 Attorney for Virab Torosyan

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 VIRAB TOROSYAN,

15 Defendant.
16

Case No. 2:16-cr-063-APG-PAL

STIPULATION TO CONTINUE
OBJECTIONS TO REPORT AND
RECOMMENDATION [ECF NO. 82]
(Second Request)

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18 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
19 Acting United States Attorney, and Kilby Macfadden, Assistant United States Attorney,
20 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
21 and Monique Kirtley, Assistant Federal Public Defender, counsel for Virab Torosyan, that the
22 Objections to Magistrate's Report and Recommendation (ECF No. 82) be extended fourteen
23 (14) days, from the presently set date of August 17, 2017.

24 The Stipulation is entered into for the following reasons:

25 1. On June 20, 2017, the Magistrate Court held a Motion Hearing regarding
26 defendant's Motion to Suppress (ECF No. 76). The Magistrate Court filed its Report and
Recommendation on July 28, 2017. (ECF. No. 82).

1 2. On August 8, 2017, Defense counsel ordered the transcript from the Motion to
2 Suppress Hearing. Defense counsel received the transcript on August 17, 2017. Defense
3 counsel needs time to finish her objections to the Report and Recommendation (ECF No. 82).

4 3. The defendant is incarcerated and does not object to the continuance.

5 4. The parties agree to the continuance.

6 5. The additional time requested herein is not sought for purposes of delay, but
7 merely to allow counsel for the defendant sufficient time review the transcript of the Motion
8 Hearing and to file written objections to the Report and Recommendation.

9 6. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice. The additional time requested by this stipulation is excludable in computing the time
11 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),
12 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

13 This is the second stipulation to continue filed herein.

14 DATED this 23rd day of August, 2017.

15 RENE L. VALLADARES
16 Federal Public Defender

 STEVEN W. MYHRE
 Acting United States Attorney

17 /s/ Monique Kirtley
18 By _____
19 MONIQUE KIRTLEY
 Assistant Federal Public Defender

 /s/ Kilby Macfadden
 By _____
 KILBY MACFADDEN
 Assistant United States Attorney

1 **CONCLUSIONS OF LAW**


2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
8 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United
9 States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS FURTHER ORDERED that the objections to the Magistrate Judge's Report and
12 Recommendation currently scheduled for August 18, 2017, be vacated and continued to
13 August 31, 2017.

14 Dated: August 24, 2017.

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17 UNITED STATES DISTRICT JUDGE
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